

1 COMMONWEALTH OF MASSACHUSETTS

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5 Re: Grafton Public Hearing - 2017 *

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8 HEARING HELD AT THE

9 GRAFTON MUNICIPAL CENTER

10 30 Providence Road

11 Grafton, Massachusetts

12 October 2, 2017 7.30 - 8.37 p.m.

13

14 Present:

15 Mike Scully Linda Hassinger

16 Daniel Graham Sharon Carroll-Tidman

17 Robert Hassinger Joe Laydon

18 David Robbins Rachel Benson

19

20

21

22 Jessica M. DeSantis

23 Court Reporter

1 MR. SCULLY: All right. We return
2 to our Monday, October 2nd meeting with the
3 Grafton Planning Board. The time is now 7:30.
4 We are at action Item 6A. Special permit SP
5 2017-8. Site plan approval. Proposed Wireless
6 Communication Facility Application. Cellco
7 Partnership d/b/a Verizon Wireless, applicant.
8 Congregational Church of Grafton, owner. 30
9 Grafton Common.

10 If you could read us in, please, Mr.
11 Graham.

12 MR. GRAHAM: Pursuant to sections
13 157, 133, and 58 of the Town of Grafton zoning
14 bylaws, the planning board will hold a public
15 hearing on Monday, October 2nd, 2017, commencing
16 at 7:30 p.m. in the gymnasium of the Grafton
17 Memorial Municipal Center, 30 Providence Road, to
18 consider the application for a special permit and
19 site plan review request to install a wireless
20 antenna concealed in a steeple of the
21 Congregational Church of Grafton at the property
22 located at 30 Grafton Common as shown as Grafton
23 assessor's map 74, lot 124A.

1 Said property is located in a
2 neighborhood/business zoning district. Cellco
3 Partnership, d/b/a Verizon Wireless and Duval &
4 Klasnick, LLC, are the applicants. The
5 Congregational Church of Grafton is the owner.

6 Copies of the plan are available for
7 public inspection at the planning department
8 Monday through Friday, 8:30 a.m. to 4:30 p.m. or
9 at the Town of Grafton website at
10 www.grafton-ma.gov at the planning department
11 development project's web page.

12 MR. SCULLY: Thank you. Before we
13 kick this off, I will just say a couple quick
14 words.

15 For those that are attending
16 potentially their first hearing, welcome. I will
17 explain essentially that we'll proceed through a
18 brief presentation by the applicant discussing
19 what it is that they have before us here this
20 evening. We'll open it up for input from the
21 public. Those that wish to speak, raise your
22 hand. Once I call upon you, if you would step
23 forward to the podium, introduce yourself, name

1 and address for the record and bring your
2 viewpoints forward.

3 I would ask that if there is a line
4 or a long list of people wishing to speak, just
5 consider what has already been said ahead of you.
6 Repetition, while it may sound good, doesn't
7 necessarily add to the discourse. And certainly
8 outbursts will not be tolerated. And ask that
9 you direct any testimony to the chair and not to
10 another member that may be present or to the
11 applicant for that matter.

12 All right. Thank you.

13 Sir?

14 MR. KLASNICK: Hi. Good evening.
15 My name is -- is this turned on?

16 MR. HASSINGER: Yeah, you've got to
17 be close to the mic.

18 MR. KLASNICK: Oh. Good evening.
19 My name is Dan Klasnick. I'm the attorney
20 representing Verizon Wireless.

21 Initially, I just wanted to thank
22 the board for the opportunity to present to you
23 this evening.

1 As already been read into the
2 record, Verizon Wireless is proposing to install
3 a concealed wireless telecommunications facility
4 located inside the steeple of the Congregational
5 Church of Grafton, which, as you know, is located
6 at 30 Grafton Common.

7 This request is based upon, I think,
8 if you had an opportunity to review our
9 application, a proven need for a facility in this
10 particular area of Grafton. Through the
11 documentation provided, the RF and other
12 information we provided, and texts, we were able
13 to, I think, to substantiate very clearly that
14 Verizon Wireless does have a significant network
15 requirement for this facility.

16 So, in accordance with your bylaw
17 requirements, Verizon Wireless has filed for a
18 special permit with site plan review request.
19 That is in compliance with 1.5, 1.33, and 5.8.
20 As you know, in this particular zoning district,
21 which the building is located in a neighborhood
22 and business zoning district, this type of
23 facility is an allowed use.

1 So based upon that criteria that we
2 would apply, as I indicated in what we've
3 requested, is a special permit site plan review
4 with all requested waivers.

5 Just by way of background, and I'm
6 sure, as you have reviewed our application,
7 Verizon Wireless has already appeared before the
8 Grafton Historic District Commission on a couple
9 of different occasions. Some of the design that
10 we proposed for you this evening, most
11 specifically in regards to the type of fencing,
12 and also the painting of the ice canopy that goes
13 over the Verizon Wireless equipment, is something
14 that was specifically requested by and included
15 in the approval by the Grafton Historic District
16 Commission.

17 So, in regards to those esthetic
18 issues, what we've tried to do in designing this
19 facility is to both address your bylaw
20 requirements for the zoning as well as your
21 Historic District requirements.

22 In addition, we have proposed a
23 location for our screen ground equipment that

1 more closely complies with your bylaw
2 requirements and need to obtain any relief from
3 the Board of Appeals.

4 So we've gone through sort of an
5 evolutionary process before we've come to this
6 planning board to accommodate the Historic
7 District Commission and to also make certain that
8 we've complied with your bylaw.

9 So what Verizon Wireless is
10 proposing to do most specifically in the plans
11 that we've presented and that I posted here this
12 evening is this particular sheet, which is
13 included in your packet. And I'll just bring
14 this closer.

15 So what Verizon Wireless is
16 proposing to do from this site plan perspective
17 is to install what would be an approximate 12
18 feet 6 inch wide by 17 foot long fenced area. As
19 I've already said, the Historic District
20 Commission asked us to use a particular type of
21 fencing, a white fencing. That is something that
22 was implemented in another area of the Grafton
23 Common.

1 In addition to that, that entire
2 area, fenced area, will be surrounded by some
3 arborvitae shrubs. So what we're trying to do is
4 really screen this. We have a 9-foot fence, then
5 we have that enclosed by some arborvitae shrubs.

6 The reason we're proposing that
7 particular fenced area is because we have to
8 include some equipment in there, which the board
9 is aware from previous wireless facilities
10 review, we need to have certain radio equipment,
11 battery back-up. In this particular instance,
12 Verizon Wireless is also proposing an emergency
13 back-up natural gas generator. All that
14 equipment will be located inside of that fenced
15 area and will be screened from view from the
16 public. This will allow Verizon Wireless to
17 operate its facility.

18 So in addition to that, to
19 accommodate Verizon Wireless location, the actual
20 compact area, the fenced area, will actually be
21 sort of a depression that is on the lot between
22 two retaining walls. And this will allow us to
23 run our conduits underground. So all the

1 electrical utilities and fiber and cables that
2 are necessary to attach to the antennas inside
3 the steeple will be underground.

4 And then, as you will see from the
5 elevation, Verizon Wireless is proposing to run
6 those cables up inside an extension back by the
7 chimney of the building.

8 To accommodate Verizon Wireless
9 installation, it's going to be necessary to put
10 in some new stairs that will allow access to be
11 maintained down to the basement area of the
12 Chapel of the church itself, and that will also
13 provide Verizon Wireless access. So there won't
14 be, really, disruption that will occur that will
15 be necessarily visible. What I think we will do
16 is actually improve, to a certain extent, the
17 ingress and egress to that lower level, that
18 basement area of the church building as well as
19 providing Verizon Wireless with access.

20 So this is a sheet A-02 that was
21 also included with your plans. This is just an
22 elevation view. We have, on the right, as I'm
23 facing it or left as you're facing it, the

1 elevation view of the church itself.

2 So the antennas and all the other
3 equipment located inside the steeple will be
4 behind replacement fiberglass doors that will be
5 designed and painted to match. So as you've
6 probably noticed from the photo simulation we
7 included, there's not going to be any physical
8 change that will occur in regards to the
9 installation of the antennas. They will be
10 completely enclosed and not visible. This is
11 something that, you know, the public won't even
12 realize that a change has occurred.

13 In addition, this elevation view
14 shows the back end of the church where the
15 proposed Verizon Wireless equipment will be
16 located. As I said, that will go behind the
17 fence and landscaped area.

18 So what we've really tried to do
19 here, I think, in looking at your bylaw, is to
20 design a facility that I think meets the criteria
21 for the highest preference for types of
22 facilities that your bylaw prescribes, and in a
23 manner that will allow to provide for the

1 service, but without impacting, really, to any
2 extent, the existing topography or the building
3 itself.

4 So, as I've indicated -- I don't
5 know if the board wants me going through these.
6 We have provided four separate photo simulations
7 of the proposed facility.

8
9 (Noise heard)

10
11 MR. KLASNICK: I don't know if that
12 means I'm taking too much time.

13 In any event, the photo simulation
14 we included in the packet showed, from four
15 different perspectives, the location of the
16 building. And, then, inside the photo simulation
17 packet itself we included both existing
18 conditions and proposed conditions.

19 So the first photo location shows
20 from the side of the church where the actual
21 ground equipment would be located. As I had
22 said, the steeple, there is no physical change.
23 The rear of this church shows a white fence with

1 screening, which is kind of tucked behind the
2 church itself.

3 And then there are just three other
4 perspectives of the proposed facility
5 installation, mostly illustrative, but there
6 isn't going to be any physical change to the
7 church itself.

8 In addition, we included a detailed
9 RF report that certified the need for the
10 facility. I'm sure you're familiar with these.

11 But what we did is we walked through
12 exactly why we needed this facility. We included
13 coverage maps showing the existing coverage. So
14 what we tried to depict with this particular map
15 is that, presuming we're able to successfully
16 permit that facility, there's still a significant
17 gap in coverage and the capacity in the area
18 where the church is located, which Verizon
19 Wireless calls Grafton 4.

20 And then the third map we included
21 in the packet actually shows the coverage that
22 will occur with both the proposed Grafton 4 site,
23 which is the church, and the proposed Grafton 5

1 site.

2 In addition, we included maps that
3 depict our efforts to off-load because, as you're
4 aware, I'm sure, from other applications, as
5 demand continues to increase the existing sites
6 become overtaxed and then they're not able to
7 successfully complete calls or allow the
8 customers to use their services.

9 So in addition to addressing
10 coverage in that area of Grafton we're also
11 trying to off-load capacity from the existing
12 sites in/or around the Grafton area to allow for
13 improved services, not only today, but as we
14 anticipate continued use to increase for the
15 wireless services.

16 So I think what we've tried to do
17 through our application and our design is to
18 really take into consideration your bylaw, which
19 provides for the use to be allowed in the
20 business zoning district on special permit of
21 site plan review.

22 It also provides for preferences in
23 your bylaw, as you're well aware, the collocation

1 of this type on an existing structure. In this
2 instance we're actually going to be inside the
3 structure, primarily. So there won't be any --
4 as I said, you won't be able to see the antennas
5 in any manner.

6 So I have certainly available, if
7 the Board requires, additional professionals who
8 actually prepared these reports in support of the
9 application that would be able to address any
10 comments or questions.

11 So, at this time, I'm certainly
12 available to assist in anyway further to explain
13 what Verizon Wireless proposes.

14 Thank you very much.

15 MR. SCULLY: Thank you.

16 Questions/comments from the board?

17 MR. HASSINGER: I've got a couple in
18 one area.

19 I know that some questions have been
20 raised or concerns expressed to us about the
21 visibility of the roof of the equipment. I don't
22 think we had contour drawings in the plans
23 that --

1 MR. SCULLY: We did not.

2 MR. HASSINGER: Yeah. Which our
3 bylaw requires, if I'm not mistaken. So that
4 made it a little harder to assess. But it helps
5 to actually have vertical cross sections, in any
6 case, to help assess that.

7 As a starting point though, can you
8 tell me what the eye height was in the photo
9 simulations? Do you know what I mean?

10 MR. KLASNICK: Well, as I indicated,
11 as far as the locations, there were four separate
12 locations. So the person would have been
13 standing on the ground at those particular
14 locations at whatever the topographical height
15 is.

16 MR. HASSINGER: So you're saying
17 that -- I don't remember exactly. But I would
18 guess that it's some place near the road for the
19 one that really shows where the shelter is.

20 And you're saying that -- would you
21 be saying that was someone standing on the road
22 and that the simulation was from 5 feet above the
23 ground?

1 MR. KLASNICK: Yes, I think that's a
2 safe assessment.

3 MR. HASSINGER: Okay.

4 MR. KLASNICK: The one on Church
5 Street, I think. The one on the parking lot, one
6 on Church Street. Viewpoint No. 4 is shown as on
7 the other side of the street there.

8 MR. HASSINGER: Right.

9 So the other piece of that though
10 is, you mentioned the Historic District and their
11 assessment. And, of course, that's got a lot to
12 do with what I'm asking about.

13 I didn't see any documentation of
14 their decision, and I think it would be helpful
15 if there was documentation in our record of what
16 they actually decided.

17 MR. KLASNICK: Yes. If it please
18 the Board I believe I have copies. I can enter
19 that now.

20 MR. LAYDON: I'll just pass these
21 down so members can take a look at it and then
22 pass it back here so we can itemize it for the
23 record.

1 MR. HASSINGER: Okay. That was the
2 main point that I wanted to touch on.

3 Anybody else with questions?

4 MR. SCULLY: Did you reach out to
5 emergency officials in town as far as any
6 potential needs that they may have related to
7 radio repeaters, coverage, things like that,
8 within the proposed location?

9 MR. KLASNICK: Well, Verizon
10 Wireless's interest is limited to its lease with
11 the church. It doesn't have any authority to
12 extend beyond that. So this, unlike a tower that
13 we would be developing where we would be able to
14 present those opportunities, this is a facility
15 that Verizon Wireless entered into with a third
16 party to locate within their structure, so.

17 MR. SCULLY: All right. Other
18 questions/comments from the board?

19 MR. ROBBINS: Not at this point.

20 MR. HASSINGER: What you just gave
21 me I see as applications. Is there -- okay. Oh.
22 It just says approved, is that right, from the
23 commission.

1 MR. KLASNICK: Yes, that's my
2 understanding that's their practice.

3 MR. HASSINGER: Okay. That doesn't
4 help with what they thought too much about the
5 esthetics.

6 MR. KLASNICK: As I said their only
7 real comments related to the type of fencing,
8 which we changed as they specified.

9 And then I think you were talking
10 about the canape that goes over the equipment.
11 They asked us to paint that to match the same
12 color as the roofers. The fence is 9 feet. The
13 canape is actually a little bit below that. So
14 arguably it's not even going to be something
15 that's visible.

16 MR. HASSINGER: Except that it's --
17 that's why all of this, if I had contours I'd be
18 able to tell. There's been some suggestion that
19 you may actually be looking down from some areas
20 so you'll actually see that roof or you may.

21 MR. KLASNICK: I think you'd have to
22 be physically on the property to do that, based
23 upon my own observation. You have to be in that

1 parking lot, really.

2 MR. HASSINGER: There is one other
3 thing. There were some comments about maybe the
4 Board would want to look for more sound
5 minimization I think on the walls of the
6 enclosure. But then I saw some material that
7 seemed to say that some had been added. So I'm
8 not sure whether there is still a recommendation
9 to add more or not.

10 MR. KLASNICK: Well, I apologize. I
11 should have mentioned that. As you know, we
12 included with our application an environment
13 sound assessment. In addition to the fact that
14 this facility operates fairly quietly. There's
15 been reference to a back-up generator. That only
16 operates twice a month for about half an hour for
17 testing; otherwise, it's not used for regular
18 operation.

19 So even though the facility would
20 have been compliant and actually below ambient,
21 we included putting heavy fabric that will go
22 inside the fence that will only further attenuate
23 it. It's a small DC generator that's proposed

1 and is outlined in the environment sound
2 assessment. This type of generator doesn't
3 really need to be tested on a full load. It
4 doesn't really produce the same noise as an AC
5 generator would.

6 So it's something that's already
7 highly attenuated within the enclosure, much more
8 so than any residential or any other business
9 would have gone through because Verizon Wireless
10 is very mindful of the surrounding and minimizing
11 any impact.

12 MR. HASSINGER: I understood all
13 that. Very nice report, by the way. I've worked
14 somewhat around sound and measurements. It helps
15 explain that.

16 But it doesn't answer my question,
17 which was, are the plans and the sound assessment
18 what we receive comments saying, maybe we would
19 want to add more to or has more been added since
20 those comments? Are those comments satisfied?

21 MR. KLASNICK: As far as the
22 isotrope report, what we presented is what's in
23 our plans. What we've certified is in compliance

1 with Mass DEP standards. And, actually, the
2 facility, when operating, has a small little fan
3 that runs.

4 MR. HASSINGER: Right.

5 MR. KLASNICK: So we're actually
6 below ambient.

7 MR. HASSINGER: I understand all
8 that. I'm asking you whether the plan was
9 changed to meet that comment or whether the plan
10 we're looking at is the plan that that comment
11 was made against?

12 MR. KLASNICK: It would have been
13 what that comment was made upon.

14 MR. HASSINGER: Okay.

15 MR. SCULLY: Comments from the
16 board? Any comments from the staff?

17 FROM THE FLOOR: There was some
18 comments within Graves Engineering as far as
19 looking at making sure that drainage was not
20 impeded.

21 Were you able to make any responses
22 to their peer review comments at this time?

23 MR. KLASNICK: We don't have any

1 specific written comments. It has been reviewed
2 by the Verizon Wireless engineer. He is here
3 this evening. They feel very comfortable. And I
4 think that also the property owners
5 representatives are here.

6 From what I understand, everyone is
7 comfortable being able to work around those
8 particular concerns.

9 I don't know if that answers your
10 question.

11 MR. LAYDON: Can you put a response
12 in writing so that we can include that in the
13 record addressing Graves comments?

14 MR. KLASNICK: Yes. Most certainly.

15 MR. SCULLY: Okay. No further
16 comments from members or staff.

17 MS. CARROLL-TIDMAN: I do have a
18 question.

19 On your sound analysis that you did.
20 Did you do it at the ground level only or did you
21 do it up --

22 MR. KLASNICK: Well, as certified in
23 that report, that aspect of the facility doesn't

1 produce any sound. All we're doing is putting
2 antennas inside of the existing steeple.

3 MS. CARROLL-TIDMAN: Okay.

4 MR. SCULLY: All right. Anything
5 further, sir?

6 MR. KLASNICK: No. We're prepared
7 to answer any other questions.

8 MR. SCULLY: Okay. I will now open
9 it up for public comments. For those who were
10 not present earlier when I mentioned this, if
11 you're interested in speaking, raise your hand.
12 I will acknowledge you and allow you to then step
13 forward to the podium, introduce yourself, name
14 and address for the record, and then provide your
15 input.

16 So I'm looking for residents at this
17 time.

18 MS. RUGO FOCHT: Hello. Sorry. I
19 have laryngitis. Job hazard. I appreciate the
20 Board being here. I want to thank you. I know
21 you had long, hard days at work before coming.

22 So my name is Barbara Rugo Focht.
23 I'm a pediatrician in town. I live at 31 Sibley

1 Street in Grafton. I also own the two properties
2 that abut on either side of the church.

3 And, basically, I understand that
4 health concerns are not going to be of note for
5 the Board to be able to take into consideration
6 because of regulations. But I thought I would
7 just briefly touch on the other points of concern
8 that I have regarding the cell tower.

9 So, first of all, I am worried about
10 the increased risk of lightening strikes and
11 fire.

12 I'm worried about a number of other
13 things. Excuse me. It's my understanding that
14 there is regulations that are federal and also
15 incorporated by Massachusetts that say that if a
16 location allows for one cell company to put up a
17 cell tower, that if the other companies should
18 request the same that they would need to be
19 allowed to do the same. So I do wonder about if
20 this is the beginning of the influx of many cell
21 towers.

22 I'm worried about the noise and
23 light pollution that might come from the

1 generator and the other outside equipment that
2 Verizon Wireless is planning on putting up.

3 There's been some research into --
4 there have been people surveyed to say, would you
5 purchase a property that's near a cell tower.
6 94% of people said they wouldn't purchase or rent
7 because of their fears for health concerns.

8 There's also some surveys that have
9 been done that look at property values
10 surrounding the area where a cell tower has been
11 put, and property values decrease by
12 approximately 20% in most areas when cell towers
13 are put up near them.

14 I do wonder, as well, about
15 liability. I know that a lot of insurance
16 companies, Lloyds of London is one of them, have
17 stopped covering, and have made clauses in their
18 insurance policies that do not allow for any
19 future damage or problems that may arise from the
20 cell towers put up.

21 So I wonder about the liability. If
22 the insurance policy doesn't cover that, that the
23 church has, is it the church's responsibility in

1 the future. Is it the Town of Grafton's
2 responsibility for having allowed those towers to
3 go up, that sort of thing.

4 I know this was brought up at least
5 in one of the prior town meetings, but I also
6 wonder a little bit about the removal of the
7 equipment. We know this equipment changes very
8 rapidly. And I would suspect within the next
9 decade or two this is going to be obsolete.
10 What's going to happen to that equipment? Who is
11 going to pay for the removal of the equipment.
12 Those sorts of questions I have as well.

13 I have to say, as well, I am kind of
14 curious as to what happens to churches that are
15 nonprofit organizations when they take on the
16 rents from organizations like cell phone
17 companies, what happens to that.

18 And, finally, even though I know you
19 can't consider it in your decision-making,
20 because I'm a pediatrician, I've got a couple of
21 concerns.

22 We know that environmental toxins,
23 and this has been rated by the World Health

1 organization, the radiation from the cell towers,
2 class 2B carcinogen, which is the same category
3 that lead is in. I wonder if this was a company
4 that was about to start producing lead next door
5 as our neighbors if there would be a different
6 approach to this.

7 But I worry because any of these
8 carcinogens, lead, sun burns, even skin cancer,
9 the risk that children have to having those
10 things affect them in the future is so much
11 higher than the risk that adults have. The
12 younger the children the worse the risk is for
13 them.

14 Having a practice of over 2500
15 patients right next door to this church where the
16 cell tower is supposed to be constructed has me
17 very, very worried. I have very compromised
18 health individuals coming in and out of my doors
19 every single day. And we try to make the
20 environment as healthy and as safe for them as
21 possible. I have to bring this up even though I
22 know it's not the grounds on which you're
23 supposed to be making decisions.

1 I feel like we need to be able to
2 make a decision where we can look ourselves in
3 the mirror, that we can talk to our children and
4 grandchildren in the future and know that we did
5 the thing that was ethically correct and not the
6 thing that brought finances to a failing church,
7 and not the thing that brought us more perfect
8 cell coverage. Which, by the way, I haven't had
9 any problems with my cell coverage and I use my
10 cell phone at either property on either side of
11 the church. So, perhaps, verifying that there is
12 a gap in coverage is one of the first steps we
13 should take. Thank you.

14 MR. SCULLY: Thank you.

15 Sir.

16 MR. DUCHESNE: Evening. Andy. 13
17 Meadowbrook Road. I'm a trustee for the church.
18 I have 30 years of design experience as well.

19 Just a couple of notes. We are
20 obviously very much in favor of this project.
21 We've been working on this with Verizon for quite
22 a long time and hopeful that we'll be able to
23 move this ahead.

1 Just a few things that have been
2 brought up tonight. So we're working with
3 Verizon and have been working with them. We're
4 not really concerned about what's going to happen
5 down there. We think we've already managed our
6 situation back there. This isn't going to make
7 it any worse. So I think we're okay there.

8 Again, the sound concerns. This
9 generator is actually quieter than passing
10 traffic. So I don't see that as a major issue.

11 Lightening. As people that own the
12 church, we're very concerned about putting
13 anything that would increase our risk of
14 lightening. Lightening, generally, based on
15 geometry -- and we're not changing the exterior
16 geometry of the church. I don't see any reason
17 why there is going to be an increased risk of
18 lightening if everything that is happening here
19 is internal and it's more low to the ground.

20 And then the lighting for the
21 equipment. Obviously we are required to keep up
22 any lighting that we do cut off to the limits of
23 our property. I don't see this changing at all.

1 Its fairly small, low changes to our property and
2 we've nestled it into a low area already. So I
3 don't see any issue with lighting coming off of
4 our property at all. Again, we're very much in
5 support of this project. Thank you.

6 MR. SCULLY: Thank you.

7 Anybody else?

8 Ma'am.

9 FROM THE FLOOR: Good evening.
10 Thank you for the opportunity to meet with you
11 this evening. My name is Celia Dushmet
12 (phonetic) from Ashland, Massachusetts.

13 And I wanted to just help to frame
14 this cell tower issue, not only what's happening
15 in Grafton, but what's happening in Massachusetts
16 and across the world.

17 Some of you may know that India used
18 to have microwave radiation exposure levels,
19 which is what these cell towers emit, equivalent
20 to what our FCC set as our guideline nearly 20 to
21 30 years ago today. And India has taken that
22 exposure level down by 90%. So that means that
23 the cell tower that you're about to consider

1 putting up here in Grafton would not meet
2 regulation, if that type of change happens in the
3 United States. There is a lot of activity
4 throughout the United States to start addressing
5 wireless radiation.

6 The United States government
7 accountability office has already asked the FCC
8 to please re-exam those public radiation exposure
9 limits and put them in line with today's current
10 science.

11 So, I know that Section 704 of the
12 Federal Communication Commissions
13 Telecommunication Act got put in in the '90s
14 precludes you from looking at environmental
15 risks. Basically they wanted to get that
16 infrastructure in quickly so they said that if
17 anybody in your community complained that they're
18 concerned about environmental risks that they
19 would simply be out of luck.

20 Over the years that environmental
21 risk has come to also affect human health risk.
22 But if you were to look at Blacks Law, which is
23 in the encyclopedia in the law area, it

1 differentiates human risk and environmental risk.

2 There are several lawsuits happening
3 in the United States. Right now the City of
4 Berkeley in California has passed an ordinance to
5 raise the fine print that comes with every device
6 that says to keep all of your wireless technology
7 at X amount of distance from your body or you may
8 exceed those FCC guidelines for public radiation
9 exposure.

10 Today's science shows our FCC is
11 still allowed to expose the public to this much,
12 and biological hazards happen at thousands of
13 times lower from where that's set. I mention
14 that not to get into the science, but just to let
15 you know that things are changing. This is
16 becoming more main stream, and Massachusetts is
17 leading the nation with seven bills to start
18 addressing wireless radiation to use technology
19 responsibly.

20 Ashland Public Schools, which is my
21 town, has become the first in the United States
22 to begin taking precautions to protect our
23 children and our staff.

1 As Dr. Focht mentioned, there are
2 several areas that you really should pay very
3 special attention to. I know Vice Chairman
4 Hassinger indicated that he has been around the
5 block a number of times to cell tower
6 applications and permitting, but things are
7 changing.

8 The legal liability is different
9 today. The insurance companies are no longer
10 having an appetite to cover wireless radiation.
11 They've identified this worldwide as a leading
12 risk. Lloyds of London and others have put
13 exclusionary clauses in. So you want to be
14 extremely clear on who is liable for damages from
15 fires from falling objects, from health. Is it
16 going to be the telecom company? Probably not
17 because they probably don't have that in their
18 policies. Is it going to be the church who has
19 to assume that liability? Or is it going to be
20 the town because you have potentially permitted
21 this structure to go up. So just make sure you
22 know very clearly who is holding the bag on that
23 now.

1 The property devaluations have been
2 very well documented. And in France they already
3 have national laws to band any kind of wireless
4 facility near a preschool or near a kindergarten,
5 and it's against the law to have this anywhere
6 near small children.

7 So if France has already done that,
8 the U.S. may be doing that soon. So you should
9 be very much aware that even though you have
10 adopted cell towers in the past, the game is
11 changing and you need to step back and say, is
12 this good for our community, will we be held
13 accountable financially.

14 And what is the government
15 accountability office going to do with the more
16 than 900 testimonies that have come in from such
17 organizations as the American Academy of
18 Pediatrics saying what can we do to protect our
19 children. The American Academy of Environmental
20 Medicine has issued a statement to the
21 superintendents saying, our schools should not
22 have any wireless, we should only be using
23 hard-wired technology. So fiber optics agree

1 that using any kind of a wireless signal, we are
2 now seeing is a biological hazard.

3 So it would be really important to
4 look and see what your wireless communications
5 facility set-backs are in your bylaws, and if
6 those are not protecting the pediatrician's
7 office or the other property that she owns on the
8 other side of those, then we should perhaps
9 consider that maybe that cell tower is not a good
10 placement in that community area.

11 We should also take heed on the
12 warning of the collocation because the FCC's
13 telecom says that once you permit one cell
14 company to come in, because of their noncompete
15 clauses in there, you are obliged to let all
16 those other companies come in and put cell towers
17 in at that property, and that hardly seems fair
18 to the neighbors there.

19 We should also advise the church
20 that there have been churches who are at risk of
21 losing their nonprofit status by accepting
22 revenue that puts them in now a revenue-generated
23 position and they may no longer be considered a

1 nonprofit organization.

2 Also, there are often heavy taxes
3 that come with the money that comes from the
4 telecom companies. So the churches should be
5 advised they're paying taxes on that.

6 There are also issues to look at in
7 the fine print as to are you locked in now for 25
8 to 30 years under that lease? Does that prohibit
9 you from making any structural changes to your
10 own facility? Sometimes there's been some
11 threats to the church that they no longer have
12 the opportunity to do with their building what
13 they would like to do because they're locked into
14 this lease.

15 So; although, it sounds like a
16 wonderful idea to have a revenue stream for a
17 church and also for a nonprofit that needs that
18 revenue boost, there are many other
19 considerations, not just for the church, but the
20 whole surrounding community and the liability
21 that goes with putting this cell antenna in there
22 knowing that other companies can now come in and
23 put there's in.

1 Thank you very much for your time.

2 If you have any questions I'd be happy to answer
3 them.

4 MR. SCULLY: Thank you. Any other
5 member of the public wishing to speak on this
6 application?

7 Sir, any follow-up?

8 MR. KLASNICK: Well, I think, as was
9 included in the report from Isotrope, the town
10 commission, and based upon his experience, and I
11 think the Board is aware that, as far as
12 considering health concerns, it's an FCC
13 regulated matter. It's something that's within
14 the exclusive jurisdiction of the Federal
15 Communications Commission.

16 As part of our application though,
17 Verizon Wireless did provide a report, based upon
18 this specific facility and based upon the
19 specific power outlets, based on the specifics of
20 what we're proposing, it certifies compliance.

21 If it pleases the board, Dr. Hayes
22 is here this evening. I don't want to get into
23 something that takes up the Board's time

1 unnecessarily. I just wanted to make that
2 available to the Board if you would like to hear
3 from him on that issue.

4 Substantively, the other comments
5 seem to relate to issues that, perhaps, deal more
6 appropriately or intended to apply more
7 appropriately to the cell towers as opposed to a
8 stealth concealed facility. Although, I take
9 exception to a lot of what has been said, you
10 know, cell tower in regards to some of the
11 matters that have been raised, it's clearly not
12 something that's applicable to a church facility
13 where we're putting our antennas inside in
14 compliance with your bylaws and highest
15 preference.

16 So if, once again, as I said, we
17 have --

18 MR. SCULLY: What's the preference
19 of the Board. Their consultant, not ours.

20 MR. LAYDON: I mean, one of the
21 things is that something -- you know, clearly it
22 must have been a last-minute conflict that
23 happened because as we know from our last hearing

1 David Maxim attended our first session. He knew
2 about this session.

3 So, you know, my recommendation
4 would be that we end up continuing this to the
5 later October meeting so that we can receive
6 verbal testimony from our wireless consultant so
7 we can go over his report and also get at some of
8 the good questions that were raised specifically
9 about why this location is needed, the question
10 about addressing gaps or rather not necessarily
11 that there is a large gap, but that it is
12 relieving pressure from other sites; thereby,
13 improving network performance.

14 Those are all things, as we know,
15 that were very beneficial as far as the public
16 record, but then also in formulating any sort of
17 decision that the Board ends up rendering in this
18 application.

19 MR. ROBBINS: Just one small detail
20 is that the applicant has not yet had the
21 opportunity to provide us with a written response
22 to the Graves Engineering comments. So we want
23 to receive that as well.

1 MR. LAYDON: Mm-hmm.

2 MR. SCULLY: Did you want to address
3 the significant number of waiver requests?

4 MR. KLASNICK: In regards to what
5 we're proposing to do on the site plan
6 requirements it would not be applicable simply
7 because we're not doing the type of site
8 development that would typically occur.

9 As I said, everything will be inside
10 the steeple. All we're proposing is a 12X17
11 ground space area and relocating some -- not
12 relocating. We're creating some steps. So it
13 seems that the plans we had presented were
14 sufficient detail to provide this Board with the
15 information that it needed in order to render its
16 decision. So that's why I thought it appropriate
17 to ask for those waivers.

18 In regards to some of the other
19 waivers as they apply specifically to wireless
20 facilities, once again, it appeared that most of
21 those were related potentially to actual
22 telecommunications towers where you're, perhaps,
23 clearing trees. 160, 170 monopole tower, along

1 with a larger compound area at the base to
2 accommodate future collocators.

3 Given all those considerations, it
4 seemed appropriate that -- I tried to point out
5 in my narrative that I didn't think it applied,
6 but to the extent this Board thought it applied,
7 I thought it appropriate to ask for a waiver.

8 Do you want to go through each one
9 of the waivers or?

10 MR. SCULLY: No. Just address them
11 generally.

12 Is there any questions or comments
13 from the members related to the waivers
14 requested, especially if there might be
15 additional information that would be needed to be
16 brought forward for the next meeting?

17 MS. CARROLL-TIDMAN: One of the
18 questions I had was about the set-back of 200
19 feet requirement.

20 MR. SCULLY: Come a little closer,
21 Sharon.

22 MS. CARROLL-TIDMAN: Sorry. Usually
23 I don't have a problem with people hearing me.

1 One of the questions I had was the
2 200 feet set-back that you're asking a waiver
3 for.

4 What I don't understand is why,
5 being within a facility, you know, enclosed in a
6 facility would be any different than a tower? In
7 terms of emissions and things like that.

8 MR. KLASNICK: Well, as this Board
9 is aware, you can't really consider the emissions
10 as an aspect of your decision.

11 So, to presume that those were put
12 in place for fall zone concerns for a
13 telecommunication tower, this is -- we're not
14 doing anything to increase the height of the
15 steeple. So I really felt that it didn't apply
16 for this type of application, but given the
17 language in the bylaws, I wanted to make certain
18 that if this Board felt that it did apply -- I
19 think what we've done is in regards to that
20 particular provision, this type of facility it
21 doesn't apply to, but if this Board felt that it
22 did then I needed to request a waiver for that.

23 MR. ROBBINS: Just a follow-up

1 comment on that. Certain aspects of the zoning
2 bylaw for wireless communications facilities are
3 pretty clearly related to the facility included a
4 free-standing tower.

5 But to the extent that those
6 requirements are pretty clearly related to a
7 free-standing tower, then it seems like they
8 would not apply to an installation like this.

9 So that's something that the Board
10 will need to take into consideration for the --
11 to the extent that your waiver requests are based
12 on that understanding, to the extent that our
13 interpretation of the bylaw may be influenced by
14 that understanding, we need to take that into
15 consideration as to, is this a requirement that
16 is really all about a free-standing tower and
17 wouldn't apply to an installation in a steeple or
18 a requirement that should apply in all
19 circumstances. That's something we need to be --
20 have a clear understanding about.

21 MR. HASSINGER: Yes. I help write
22 the bylaw and was a planning board member working
23 with the town planner at the time. So I have a

1 pretty good idea of what the intended law was.

2 We were thinking, in terms of towers
3 and visual impact, also. That is, if you're back
4 300 feet or if you're back, whatever it is, twice
5 the height of the tower, then you don't see it --
6 it's lower in your vision as well as the fall
7 zone protection consideration.

8 This is actually the second church
9 steeple in town where there is -- could be a cell
10 tower or cell site. The Union Congregational
11 Church on Main Street in South Grafton was
12 permitted for one in '03. 14 years ago.

13 I assumed that they're there, but I
14 remember that was AT&T and I still don't get
15 anything when I'm down in South Grafton so I
16 don't know. Actually, it was updated in '13. So
17 I guess they are there.

18 But we covered some of this ground
19 in '03 and '13 that really -- things that relate
20 to towers don't relate to cases where you can't
21 see it, where it's inside a structure.

22 If it's outside on a structure we
23 have to talk about it, but if it's actually

1 inside the structure so you can't see it, it
2 doesn't really apply.

3 Okay. I have a couple other things,
4 but I don't know whether it's --

5 MR. ROBBINS: Just a quick
6 follow-up. It actually is somewhat misleading to
7 call this a cell tower because it is not a tower,
8 it is cell antennas inside an existing steeple.
9 So calling it a cell tower is -- it brings to
10 mind a different image than what's being proposed
11 here.

12 Just while I think of it and I have
13 the floor for just a moment, I just want to
14 mention that some of the comments we've heard
15 tonight are probably of little interest to the
16 planning board, little relevance to the planning
17 board, but are of some significance to the church
18 itself.

19 So, Andy, as a trustee of the
20 church, you've heard those comments and responded
21 verbally to some of them. You may want to
22 consider providing sort of a written response to
23 some of those concerns, things like lightening

1 damage, insurance, the kinds of things that maybe
2 don't matter much to us, but very definitely
3 matter to you and the church.

4 So just to complete the record since
5 these comments from the public were on public
6 record here, something on the record stating the
7 church's position on those would be informative.
8 Like I said, probably not so much to influence
9 this Board's decision as to recognize that some
10 of the comments, some of the concerns were really
11 directed to you and the church rather than to us.

12 MR. HASSINGER: Couple questions.

13 First, does the church have
14 lightening protection, lightening rods?

15 FROM THE FLOOR: Yes.

16 MR. HASSINGER: Because they're
17 not -- you know, you don't see them as you're
18 driving by.

19 A lot of the comments, as you've
20 eluded, a lot of the concerns were stated in
21 terms of cell tower and are relevant to cell
22 tower. A lot of the dangers of the falling, the
23 visual impact, the purported affect on property

1 values. Now, we've always been advised -- no one
2 has ever presented evidence of property values
3 that we could rely on in court if we had to. All
4 the advice has been that that's pretty hard to
5 do. But those are in terms of the cell tower.
6 Cell towers. Couple hundred feet behind my house
7 kind of thing, you know. That might affect
8 property value. But when you can't see it at all
9 in the steeple, not so much.

10 And one other thing that I don't
11 understand exactly what in the law is supposed to
12 say if you have one to allow many. It was
13 mentioned of collocation. And I think the
14 federal law does encourage collocation. But, of
15 course, if you read our bylaw, our bylaw looks
16 for collocation so as to minimize the number of
17 facilities.

18 But, in any case, looking at the
19 plans, I don't think there's room for very much
20 more in that steeple, is there? Pretty well
21 taking up that --

22 MR. KLASNICK: Verizon Wireless is
23 proposing its antennas. I don't think there

1 would be possibility of collocation because of
2 interference and other concerns.

3 MR. HASSINGER: Right. So, like,
4 they would be interested if there is any other
5 aspect besides an encouragement of collocation in
6 the law that would support the -- if you allow
7 one, you allow many. And I don't know where that
8 comes from. It doesn't match with the things
9 that I've known.

10 MR. SCULLY: Any other comments of
11 the board?

12 Any other member of the public
13 wishing to speak on this application?

14 Sir.

15 FROM THE FLOOR: We did bring that
16 question up about multiple companies. And at the
17 time they said it's not sufficient space. So I
18 don't know, even if the law requires it, there is
19 no room to put anymore. And I live a block away,
20 down the hill, and there is absolutely no
21 reception. Every call is a drop.

22 MR. HASSINGER: You're to the west.
23 Yeah.

1 Since you're with us, did you hear
2 me -- maybe you came in after I asked about the
3 commissions, the historic commissions decision
4 approving this. There wasn't any detail as to
5 your evaluation because there's been some concern
6 about the settings.

7 FROM THE FLOOR: To the church
8 steeple itself, there won't be any change because
9 what they're placing are actually replacement.
10 There was a hurricane in '38. That steeple fell
11 into the sanctuary. So that's all replaced from
12 '38. And they're just going to replace with what
13 is there now. So it will look exactly the same.

14 And in the back. What we -- I think
15 we approved whatever was presented, and then the
16 applicants came to you and you had
17 recommendations. I think your recommendations
18 made it even better. It looks even better. I
19 think we're even more pleased with the final
20 result.

21 MR. HASSINGER: Thank you.

22 MR. SCULLY: Is there somebody else.

23 Ma'am.

1 FROM THE FLOOR: This is not the
2 first time this has come up. It came up several
3 years ago and I'm just wondering what makes this
4 request any different than the one from several
5 years ago that was denied?

6 MR. HASSINGER: What one on Church
7 Street was denied?

8 FROM THE FLOOR: I think this came
9 up several years ago. There was an attempt to
10 put one in the steeple. There was talk about
11 putting one in the steeple?

12 MR. HASSINGER: We have a list.
13 I've been on every single application, over 50.
14 Our list doesn't mention Church Street.

15 FROM THE FLOOR: Okay. I thought
16 several years ago there was a request or an
17 attempt to put it in the steeple.

18 MR. HASSINGER: It might be that
19 somebody was thinking about it, but never got to
20 the point of making an application here.

21 MS. HASSINGER: There was an attempt
22 to put one in a highway barn that was denied.

23 MR. HASSINGER: Yup, that's on Upton

1 Street.

2 FROM THE FLOOR: Okay.

3 MR. SCULLY: Thank you.

4 FROM THE FLOOR: 15 years ago the
5 church did consider doing this and then
6 internally decided not to move forward.

7 MR. HASSINGER: Okay. That probably
8 --

9 FROM THE FLOOR: I don't think there
10 was an application process. I think internally
11 they decided they didn't want to do this.

12 MR. HASSINGER: That sounds
13 familiar. That probably explains that question.

14 MR. SCULLY: Anybody else?

15 MR. KLASNICK: I just wanted to make
16 certain that the Board was comfortable with the
17 presentation and the references I made about the
18 need for the facility. I think there was some
19 discussion about Isotrope. I just wanted to know
20 if the Board needed more from Verizon Wireless at
21 this time about how the methodology used to
22 select this location.

23 MR. SCULLY: I believe our next

1 hearing when we continue we'll have our
2 consultant present at which it will be relevant.

3 MR. HASSINGER: Okay. I understand
4 all of it and my questions were answered and were
5 often criticized for taking longer than I need
6 to. But if others have questions I've read the
7 consultant's report. He addresses many of the
8 concerns in the comments that were submitted.

9 MR. ROBBINS: I think at this point
10 there is some additional information, not much,
11 required. I think we mentioned just having a --
12 documenting the response, the Graves report.
13 Maybe one or two other things. It doesn't seem
14 like there is a lot of --

15 MR. HASSINGER: The question is
16 whether we can close subject to allowing receipt
17 of those documents.

18 MR. ROBBINS: Yeah. We need to keep
19 it open to receive any additional documents, to
20 have discussions with our consultant.

21 MR. HASSINGER: The thing is that I
22 don't need to ask our consultant because I
23 understand.

1 MR. ROBBINS: You have no further
2 questions for the consultant?

3 MR. HASSINGER: Well, you know, if
4 somebody starts making issues then --

5 MR. ROBBINS: The consultant's
6 report is sufficient for you?

7 MR. HASSINGER: Yeah.

8 MR. ROBBINS: I have -- I haven't
9 read through everything, but. Bob, you're with
10 the most background in this. If your questions
11 are all answered and if the rest of us are good.
12 Some additional written information that would be
13 good just to follow-up on what's been presented
14 to us verbally.

15 But if that's something we can
16 handle by way of closing the hearing tonight
17 subject to the receipt of additional information
18 or if we need to keep it open for formality for
19 another two weeks, either way.

20 MR. HASSINGER: It probably depends
21 on what the information is. If it's a response
22 to Graves --

23 MR. LAYDON: I mean, Graves just

1 raised the issue that the impoundment needs to
2 identify how they're going to address storm
3 water.

4 The question ends up being if we
5 need to then take the response, provide it back
6 to Graves for any sort of response, then we need
7 to keep the public hearing open.

8 If it's something that then is
9 conditioned that prior to commencement of
10 construction that plan is provided to Graves to
11 make sure that there is no conflict. And, again,
12 we're just dealing with, at worst, additional
13 piping. You know, at best, their concerns have
14 been addressed with their written response.

15 MR. ROBBINS: Yeah. Let me suggest,
16 too, that if we feel we have, aside from one or
17 two things that we'd like to receive in writing
18 that we have pretty much sufficient information
19 to drafting a decision, we could hold the hearing
20 open in order to receive any additional
21 information and any follow-up that might be
22 required, but to proceed with drafting any
23 decision and possibly being able to act on the

1 decision in two weeks after we close the public
2 hearing. We've done that before, just recently.

3 MR. LAYDON: Thankfully it ends up
4 being three weeks.

5 MR. ROBBINS: That's right. It's
6 three weeks from tonight.

7 MR. LAYDON: But the main question
8 would be whether or not we identify the need for
9 our consultant to be in attendance at that
10 meeting to go over anything.

11 MR. ROBBINS: Because three weeks
12 from tonight would be our first opportunity to
13 review a draft decision, whether we close the
14 hearing tonight or leave it open, but proceed to
15 draft a decision.

16 MR. HASSINGER: The thing is I
17 haven't heard anything that really requires him
18 to do more than what he said in his report and
19 what we have in all the engineering input.

20 MR. ROBBINS: Yeah. So if we do not
21 need our consultant to be in attendance and
22 consider his report to be sufficient then that
23 simplifies things a little bit for our next

1 meeting.

2 MR. HASSINGER: But if the only
3 thing is a response to Graves, I'd suggest that
4 we be able to close the hearing with appropriate
5 provision to receive a response for Graves and
6 then proceed on any decision in the way that you
7 said.

8 MR. ROBBINS: It almost sounded like
9 a motion.

10 MR. SCULLY: Almost.

11 MR. HASSINGER: Okay. I move we
12 close the hearing.

13 MR. SCULLY: Is there a second?

14 MR. GRAHAM: Second.

15 MR. HASSINGER: With the provisions
16 that I just mentioned.

17 MR. GRAHAM: Second.

18 MR. SCULLY: Motion made and
19 seconded. Board will be drafting a decision
20 taking into account the information we've heard
21 here tonight and what we receive from Graves.

22 Discussion on the motion?

23 All in favor?

1 Opposed?

2 Motion carries unanimously.

3

4 (Hearing concluded)

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1 COMMONWEALTH OF MASSACHUSETTS

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7 I, Jessica M. DeSantis, Court Reporter, do
8 hereby certify that the foregoing testimony is
9 true and accurate to the best of my knowledge and
10 ability.

11

12 WITNESS MY HAND, this 31st day of October,
13 2017.

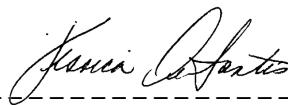
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Jessica M. DeSantis

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